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By: Elizabeth Grannell Express Mail Label: EL929720533US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edgren, et al.

Serial No.: 09/469,399

Filed: Dec. 22, 1999

Title: Gastric Retention Dosage Form Having Multiple Layers

Attorney Docket No. ARC 2885 R

Group Art Unit: 1616

Examiner: Choi, F.

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Petition To Withdraw Holding Of Abandonment Under 37 C.F.R. 1.181

Based On Failure To Receive Office Action

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a petition to withdraw holding of abandonment based on failure to receive an office action. This petition is filed within two months of receipt of the Notice of Abandonment, which was mailed on June 4, 2002.

The undersigned received a telephone call from Examiner Frank Choi regarding the present case on May 31, 2002. During the telephone call, Examiner Choi noted that, according to the Patent Office records, an Office Action had been mailed in the present

case on November 6, 2001. Upon review of the file jacket, however, the undersigned indicated that it appeared that no such Office Action had been received, and, as a result, no response to such Office Action had been prepared. A Notice of Abandonment was mailed on June 4, 2002, a copy of which is attached hereto as Exhibit 1.

The undersigned has reviewed all papers in the file jacket for the present case and did not find the aforementioned Office Action or any evidence of having received the Office Action. Moreover, the undersigned checked the computer docket and found no record of having received the Office Action.

In accordance with M.P.E.P. § 711.03(c)II, a copy of our docket report where the non-received Office Action would have been entered had it been received is attached hereto as Exhibit 2. With a mailing date of November 6, 2002, the Office Action would have had a docketed three-month response date of February 6, 2002. However, as can be appreciated by reference to Exhibit 2, the docket report corresponding to February 6, 2002, does not include an entry for application number 09/469,399, which has assignee's docket number ARC 2885-R1.

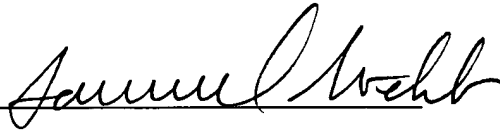
Having complied with all provisions of 37 C.F.R. § 1.181 and M.P.E.P. § 711.03(c)II, Applicants respectfully request withdrawal of the Notice of Abandonment and resumption of the prosecution of the present application.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Respectfully submitted,

Dated: August 1, 2002

By: 

Samuel E. Webb
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PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/469,399	
	Filing Date	December 22, 1999	
	First Named Inventor	David E Edgren	
	Group Art Unit	1616	
	Examiner Name	Choi, F.	
Total Number of Pages in This Submission	7	Attorney Docket Number	ARC 2885 R1

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <ul style="list-style-type: none">• Petition to Withdraw Holding of Abandonment• Copy of Notice of Abandonment• Copy of Docket Report• Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Samuel E. Webb; ALZA Corporation
Signature	<i>Samuel Webb</i>
Date	8/1/02

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>	
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